GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute.—Industrial Dispute between the workmen and the management of Bagamane Estate, Malandur Post, Chikmagalur District.

Award of the Presiding Officer, Labour Court, Hubli-21, published.

Read the following papers :

(1) Letter No. LCH/REF/2460/74-75, dated 22nd February 1975, from Shri H. L. Narayana Gowda, Presiding Officer, Labour Court, Hubli-21.

BEFORE THE LABOUR COURT AT HUBLI

Reference ID LCH Claim No. 16/1973

Present : Sri H. L. Narayanagowda, B.A., LL.B.,
Presiding Officer.

Date : 22nd February 1975

Claimant.—Mohamed Ali and 20 others, Represented by the General Secretary, The South Indian Estates and General Workers' Union. Neikar Street, Chikmagalur.

Respondent.—Tht Management of Bagamane Estate Malandur Post, Chikmagalur District.

Order No. FCL 30 LLD 73, dated 23rd April 1973.

JUDGEMENT AND AWARD

The Government of Karnataka have made this reference under claust (c) of sub-section (1) of Section 10 of the I.D. Act, 1947 (Central Act 14 of 1947) referring the dispute between Sri Mohamed Ali and 20 others, workers of Bagamane Estate, and the Management of Bagamane Estate, Malandur Post, Chikmagalur District, for adjudication to this Court on the following points of dispute.

"(1) Are the Management of Bagmane Estate, Malandur Post, Chikmagalur District, justified in refusing work to 21 workers namely (1) Mohamed Ali, (2) Varadamurthy, (3) Doddapalamaniamma, (4) Karpan, (5) Angamurhy, (6) Thangavelu, (7) Subramani, (8) Sannapalaniamma, (9) Veeraiah, (10) Motaiah, (11) Alagamma, (12) Papamma, (13) Palani Muthu, (14) Raja, (15) Alumelu, (16) Poganda Maistry, (17) Seena, (18) Nagappa, (19) Appi, (20) Chandru, (21) Rukku, with effect from 2nd May 1972 ?

(2) If not to what relief the above said workers are entitled ?"

2. The claimants in their claim statement state as follows :

Sri Mohamad Ali and 20 others are the permanent employees of Respondent Management. However on 2nd May 1972 the Respondent orally refused work to these 21 employees without giving any notice or reason for the refusal of work. The action of the Management is illegal and against the principles of natural justice. These 21 employees are working under the Respondent from the past several years. The employees demanded their legitimate dues regarding salary, Bonus, etc. To get rid of these employees, the Respondent refused them work. The entire action of the Respondent is to victimise the claimants for their Trade Union activities, which is illgal. They pray that they may be reinstated in service with full back wages and continuity of service.

3. The Respondent has remained *exparte*. He has not filed written statement and has not contested the case of the claimant. The claimants Veeraiah, Tangavelu, Motaiah, Karpa, Marimuttu, Palaniamma and another Palaniamma and Alagamma have examined themselves and have closed. The Respondent has not adduced oral or documentary evidence.

4. I have persued the records and heard Sri Ramakrishna Gowda, learned advocate for the claimants.

5. The claimant Veeraiah has given evidence as WW-1 that in 1971 he was working in the Respondent Estate. It belongs to one Sri Manjegowda. He worked in the Estate till 1972. Himself, Karpa Mohmad Ali, Palaniamma, Doddapalaniamma, Tangavelu, Motaiah, Subbramani, Papammamma Naga, Seena,Bongra, Santu, Appi Maradu muttu were working in the Respondent Estate. They have mentioned all the names of the claimants in the claim statement. Their daily wages was Rs. 3 per day. Actually they were being paid Rs. 9 per week. They demanded, Bonus, Wages for festival holidays, Kmabali allowances, etc. The Respondent refused to pay. The Respondent bet them and asked them not to come to work any longer, This was in 1972. Then they approached the Union. The Respondent has not given in writing that they would not take them to work. No notice was issued to them stating that their work was not satisfactory, There was no domestic enquiry. After 3 weeks they gave a petition to the Labour Officer, Chikmagalur. They were issuing vouchers for having received their wages every week. Their names had been entered in the check roll. They pray that they may be reinstated in service with full back wages and continuty of service.

6. The other claimants *viz.*, WW-2 to WW-8 have given the same evidence. So I do not propose to mention their evidence.

7. These eight witnesses have sworn that the Respondent has without any just cause has refused work and they must be reinstated in service. The Respondent has not appeared before this Court and has not filed his written statement and has not contested the case of the claimant.

8. There are 21 claimants. But only 8 claimants have examined themselves. The other claimants have not appeared. I propose to order reinstatement of these eight claimants only. But no back wages are allowed.

AWARD

9. I order that the Respondent should reinstate the claimants Veeraiah WW-1, Thangavelu WW-2, Motaiah WW-3, Karpan WW-4, Marimuttu WW-5, Palaniamma WW-6 another Palanimamma w/o Karpa WW-7 and Alagamma WW-8. No back wages are allowed. Continuity of service is allowed. No costs.

Hubli

22nd February 1975.

H. L. NARAYANAGOWDA,
Presiding Officer,
Labour Court, Hubli.

"True Copy"

H. L. Narayanagowda,
Presiding Officer,
Labour Court, Hubli.

ORDER

No. SWL 62 LLA 75, Bangalore, dated the 10th March, 1975.

S.O. —995. WHEREAS by State Government Order No. FCI 30 LLD 73, dated 23rd April 1973 the Industrial Dispute between the workmen and the management of Bagamane Estate, Malandur Post, Chikmagalur District, was referred to the Labour Court, Hubli, for adjudication.

AND, WHEREAS the Labour Court, Hubli, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka, are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,

Under Secy. to Govt.,
Social Welfare and Labour Dept.